IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5444 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GELADIA NAVGHANBHAI DANABHAI & 1 - Petitioner(s)
Versus
STATE OF GUJARAT & 4 - Respondent(s)

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Appearance :

MRS DT SHAH for Petitioner(s) : 1 - 2.
MS REETA CHANDARANA, AGP for Respondent(s) : 1, 5,
RULE SERVED BY DS for Respondent(s) : 2 - 3.
MS SEJAL K MANDAVIA for Respondent(s) : 4,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 23/06/2006

ORAL JUDGMENT

1. This petition has been filed by the heirs of a deceased-employee of Surendranagar District

Panchayat for the benefits such as, gratuity, family pension, etc. The father of the petitioners was employed by the District Panchayat, Surendranagar. He expired on 7th April 2000. The petitioners, therefore, were entitled to receive gratuity, family pension, etc. for the service rendered by their father. Since the respondents did not release these benefits, the petitioners have filed this petition.

2. **Learned advocate Ms.Mandavia for the District Panchayat submitted that earlier there were certain difficulties in tracing the service book of the father of the petitioner which delayed the finalisation of the claims of the petitioners. However, she submits that thereafter between the Government and the District Panchayat all steps have been completed to ensure that the dues of the petitioners are paid. She places on record a communication dated 3rd April 2006 indicating that the petitioners themselves had refused to sign the pension papers due to which the amount could not be released. Learned advocate Mrs.D.T.Shah submitted that the petitioners would sign necessary documents as soon as presented to them.**

3. **In view of the aforesaid discussion, it is directed that the respondents shall present to the**

petitioners necessary documents to release their dues. The petitioners, as stated by their learned advocate, shall sign the necessary documents upon which all dues shall be released without any further delay. It is expected that arrears be paid within a period of four weeks from the petitioners' signing the necessary documents. With these directions, the petition is disposed of. Ultimately if the petitioners have any grievance surviving, it will be open for them to agitate the same in accordance with law. Rule is made absolute to the above extent with no order as to costs.

(Akil Kureshi, J.)

(vjn)